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EXAMINER	
SCHUBERT, KEVIN R	

ART UNIT	PAPER NUMBER
2137	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/650,867	HASSELL, SUZANNE P	
	Examiner	Art Unit	
	Kevin Schubert	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 March 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-61 have been considered. Claims 9,10,27, and 28 have not been corrected according to the amendment filed 11/29/00. Amendments to the Title, Abstract, Specification, and Drawings have been considered and are accepted.

Claim Objections

Claims 9,10,27, and 28 are objected to because of the following informalities: "said first communication device" should be "said second communication device". The examiner has evaluated the claims based on the amendment filed 11/29/00 which states that the claims are directed to "said second communication device" instead of "said first communicaton device". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3,5,7-11,16-21,23,25-29,34-41,43-48,51-52,54-57, and 60-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassell, U.S. Patent No. 6,625,114, in view of Dinh, U.S. Patent No. 6,434,615.

As per claims 1,19,37, and 54, the applicant describes a method for providing connectivity between a first communication device and a second communication device comprising the following limitations which are met by Hassell in view of Dinh.

a) receiving a specification from a user by said first communication device, the specification comprising at least one predefined identifier that identifies the second communication device, and

receiving a request to establish connectivity between the user and said communication device (Hassell: Col 6, lines 13-21);

b) associating said predefined identifier with said second communication device (Hassell: Col 9, lines 56-59);

c) establishing connectivity between said first communication device and said second communication device based upon said predefined identifier (Hassell: Col 6, lines 13-21);

d) receiving at least troubleshooting data and a test from the user (Dinh: Col 5, lines 5-30; Figs 1 & 2);

e) communicating said received troubleshooting data and said test to the second device (Dinh: Col 4, lines 2-6; Figs 1 & 2);

Hassell discloses a system which meets parts a) through c) of the above claim. As to the applicant's remark that "Hassell does not disclose, teach, or suggest any sort of user related use of a device" (Remarks: page 5), the examiner disagrees. Hassell describes a system where a customer at a customer site sends data to a specific, identified address. Furthermore, the mapping of the SVC/VC configuration is done in regards to whether the specified site is "one in which the customer plans to frequently communicate" (Col 6, lines 13-21) or one in which the customer does not plan to frequently communicate. Furthermore, Hassell discloses that "another advantage of the VC/SVC conversion system and method is that they provide an alternate link of communication during a specific time of the day, when the user may need more bandwidth" (Col 5, liens 11-14).

Hassell, however, does not disclose that the data sent in Hassell's system is troubleshooting or test data as reflected in parts d) and e). Dinh discloses a method for remote computer management in which data is passed from a controlling computer system (120 of Fig 1) to a monitored standalone computer system (110 of Fig 1) through a remote communication protocol (130 of Fig 1) which acts like a troubleshooting portal. Moreover, the controlling computer provides a predefined identifier of the standalone computer system which he wishes to monitor (Col 6, lines 5-6).

Dinh also discloses that troubleshooting data and data to perform remote tests on the standalone computer systems is passed through the remote communication protocol. Fig 2 illustrates the

architecture of the remote communication protocol. A web browser (215 of Fig 2) on a controlling computer communicates data to server (220 of Fig 2) which acts like a security portal by communicating the troubleshooting and test data to the specific remote device (270,280, and 290 of Fig 2) specified by the controlling computer through the browser.

Implementing the ideas of Dinh with Hassell could be done by simply having troubleshooting and test data sent through the communications access device (Hassell: 22 of Fig 1) in the same manner that other communication data is sent in Hassell's system. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Dinh with those of Hassell because doing so allows a user to monitor remote devices for problems.

As per claims 2, 20, 38, and 56, the applicant limits the independent claim, which is met by Hassell in view of Dinh (see above), with the following limitation which is also met by Hassell:

wherein said second communication device is an endpoint (column 8, lines 66-67; column 9, lines 1-3);

The applicant should note that the second port provides connectivity to the second device which is the endpoint on the network.

As per claims 3 and 21, the applicant limits the independent claim, which is met by Hassell in view of Dinh (see above), with the following limitation which is also met by Hassell:

wherein said step of establishing connectivity further includes the step of actuating at least one switch such that a plurality of physical links associated with a plurality of data link connection identifiers (DCLIs) are coupled together (column 4, lines 39-42);

As per claims 5 and 23, the applicant limits the independent claim, which is met by Hassell in view of Dinh (see above), with the following limitation which is also met by Hassell:

wherein said step of establishing connectivity further includes the step of routing data over a plurality of physical links associated with said predefined identifier (column 9, lines 56-59);

As per claims 7, 25, and 43, the applicant limits the independent claim, which is met by Hassell in view of Dinh (see above), with the following limitation which is also met by Hassell:

wherein said location is a site in a network service provider communication system (column 3, lines 10-25);

The applicant should note that in instances where the user has contracted with the access provider for service, the access provider would also be the network service provider as stated in the applicant's specification (page 3, lines 10-12). In the lines referenced above, Hassell describes a system whereby a user has contracted with the access provider for service. The system of Hassell's invention is therefore both an access provider network and a service provider network.

As per claims 8,26, and 44, the applicant limits the independent claim, which is met by Hassell in view of Dinh (see above), with the following limitation which is also met by Hassell:

wherein said location is a site in said access provider communication system (column 8, lines 53-54);

The applicant should note that an access provider communication system is defined in the applicant's specification as a "network that provides connectivity for communication devices" (page 4, lines 15-16). Hassell describes an "apparatus...for communicating data across a network" (column 8, lines 53-54) to communication devices.

As per claims 9,27, and 55, the applicant limits the independent claim, which is met by Hassell in view of Dinh, with the following limitation which is also met by Hassell:

wherein said step of associating further includes the step of associating a predefined circuit identifier (ID) with said second communication device (column 9, lines 56-59);

As per claims 10-11 and 28-29, the applicant limits the independent claim, which is met by Hassell in view of Dinh, with the following limitation which is also met by Dinh:

Further including the step of assigning a first internet protocol (IP) address, wherein said first IP address corresponds to said second communication device (Col 6, lines 4-17);

As described by Dinh, the user, or controlling computer, assigns the first IP address of the computer he wants to monitor. The remote communication protocol associates the controlling computer, at a second IP address, with the standalone computer, at a first IP address, through an established Internet/Intranet communication line.

As per claims 16,34,51, and 60, the applicant limits the independent claim, which is met by Hassell in view of Dinh, with the following limitation which is also met by Hassell:

wherein said step of accessing further includes the step of verifying, wherein a right to access is verified and the steps of specifying and establishing are implemented only after the right to access if verified (column 7, lines 61-67);

As per claims 17,35, and 61, the applicant limits the independent claim, which is met by Hassell in view of Dinh, with the following limitation which is also met by Hassell:

wherein the steps of accessing, specifying, associating and establishing are defined as a session, and wherein a plurality of sessions are implemented concurrently (column 11, lines 13-24 and column 12, lines 3-7);

The applicant should note that accessing is accomplished by "the virtual circuit/switched circuit address mapping being further based at least upon detection of a condition" (column 11, lines 18-20), specifying is accomplished by the "condition" (column 11, line 20), and associating and establishing are accomplished by "connecting said first port connected to said first virtual circuit with a second port connected to a second virtual circuit based at least on a virtual circuit/switched virtual circuit address mapping" (column 11, lines 13-17).

The applicant should also note that a plurality of sessions can occur concurrently in Hassell's disclosed invention, and a priority scheme can allow for handling the sessions (column 12, lines 3-7).

As per claims 18,36,52, the applicant further limits the independent claim, which is met by Hassell in view of Dinh (see above), with the following limitation which is met by Hassell:

further including the step of monitoring, wherein the step of monitoring monitors the activity between said first communication device and said second communication device, and further including the step of terminating wherein the step of terminating terminates connectivity after a predefined period of no activity (column 6, lines 38-43);

As per claim 39, the applicant limits the independent claim, which is met by Hassell in view of Dinh (see above), with the following limitation which is also met by Hassell:

wherein a portion of said access provider communication system is a frame relay based communication system (column 10, lines 54-55);

As per claim 40, the applicant limits the independent claim, which is met by Hassell in view of Dinh (see above), with the following limitation which is also met by Hassell:

wherein a portion of said access provider communication system is an asynchronous transfer mode (ATM) based communication system (column 10, lines 58-60);

As per claim 41, the applicant further limits the independent claim, which is met by Hassell in view of Dinh (see above), with the following which is also met by Hassell:

wherein a portion of said access provider communication system is an internet protocol (IP) based communication system (column 8, lines 36-41);

As per claim 45, the applicant further limits the independent claim, which is met by Hassell in view of Dinh (see above), with the following which is also met by Hassell:

further comprising an address table residing in a memory in communication with said processor, said address table containing a predefined endpoint associated with said second communication device,

and wherein said user specifies to said processor said second communication device (column 9, lines 53-59);

As per claim 46, the applicant further limits claim 45, which is met by Hassell in view of Dinh (see above), with the following which is also met by Hassell:

wherein said address table contains a plurality of predefined endpoints associated respectively with a plurality of second communication devices such that said user specifies to said processor one of said plurality of endpoints (column 9, lines 53-59);

As per claim 47, the applicant further limits claim 45, which is met by Hassell in view of Dinh (see above), with the following which is also met by Hassell:

wherein said address table contains data corresponding to a circuit map associated with said endpoint, and wherein said device configuration module instructs said switch to establish connectivity by interpreting said circuit map (column 9, lines 53-59);

As per claim 48, the applicant further limits claim 37, which is met by Hassell in view of Dinh (see above), with the following which is also met by Hassell

further comprising an assigned internet protocol (IP) address location residing in a memory in communication with said processor, wherein said user specifies an IP address to be saved into said IP address location, and wherein said IP address is associated with said second communication device (column 9, lines 53-59);

The applicant should note that Hassell's state table is user configurable (column 6, line 65). This means that the user maps the VC/SVC conversion logic in the memory according to the destination address (column 6, lines 59-67; column 9, line 1). Hassell also mentions that IP addressing can be used (column 8, line 38), so the "network address" (column 9, line 59) could be an IP address.

As per claim 57, the applicant further limits claim 54, which is met by Hassell in view of Dinh (see above), with the following which is also met by Hassell:

wherein said series of instructions further includes associating a first internet protocol (IP) address with said predefined identifier (column 9, lines 56-59);

The applicant should note that Hassell mentions that IP addressing can be used (column 8, line 38), so the "network address" (column 9, line 59) could be an IP address.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4,6,22,24,42, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassell in view of Dinh in further view of the applicant's admitted prior art.

As per claims 4,6,22,24, and 53, the applicant limits claims 3,5,21,23, and 37 respectively, which are met by Hassell in view of Dinh (see above), with the following limitation which is met by the applicant's admitted prior art.

wherein said step of actuating at least one switch further includes the step of actuating a digital subscriber loop access multiplexer (DSLAM) connected to a plurality of second communication devices such that said second communication device associated with said specified identifier is connected by said step of establishing connectivity;

Applicant should note that though Hassell or Dinh do not specifically reference a DSLAM, Hassell does note that a number of conventional network hardware components can be attached or utilized in his system. In applicant's summary of invention (page 8), the applicant implies that the DSLAM is prior art and not part of the particular invention applicant discloses. It is well known in the art that a DSLAM

device is an efficient device for routing multiplexed traffic to a desired communication device. Hassell discloses that both the first port (column 8, lines 61-64) and the second port (column 8, lines 66-67; column 9, lines 1-3) relay multiplexed information. It would have been obvious to one of ordinary skill in the art at the time of the invention to add a DSLAM into Hassell in view of Dinh's system to make the routing system for multiplexed information more efficient.

As per claim 42, the applicant limits the independent claim, which is met by Hassell in view of Dinh (see above), with the following limitation which is met by the applicant's admitted prior art:

wherein a portion of said access provider communication system is an a multiprotocol label switching (MPLS) based communication system;

Hassell leaves open the possibility of using a number of different communication systems. In the ninth paragraph of the Detailed Description of the Preferred Embodiment, the applicant writes that MPLS is a well-known communication system. It would have been obvious to one of ordinary skill in the art at the time of the invention to use MPLS in Hassell in view of Dinh's system because MPLS is well known as a good communication system.

Claims 12,30, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassell in view of Dinh in further view of Hasenstein, (Diplomarbeit: IP Network Address Translation. 1997. pages 1-13).

As per claims 12,30, and 58, the applicant limits claims 10, 28, and 57 respectively, which are met by Hassell in view of Dinh (see above), with the following limitation which is met by Hasenstein:

further including the step of associating said first IP address by network address translation with one of a plurality of predefined addresses (Introduction);

Hassell in view of Dinh describes a system which meets all the limitations of claims 10,28, and 57 where a user can access a plurality of communication devices. However, Hassell in view of Dinh fails to describe a system where network address translation is used. According to Hasenstein in his

Introduction, network address translation is an efficient way to circumvent IP shortage in a network situation, such as the one created by Hassell in view of Dinh.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Hasenstein with those of Hassell in view of Dinh because using network address translation helps circumvent IP shortage.

Claims 13-14,31-32, and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassell in view of Dinh in further view of Mack, U.S. Patent No. 6,192,044.

As per claims 13-14,31-32, and 49-50, the applicant describes the method of claims 10,28, and 48, which are met by Hassell in view of Dinh (see above), with the following limitation which is met by Mack:

Wherein the step of assigning said first IP address is assigned by an access provider (Col 5, lines 53-61);

Hassell in view of Dinh discloses all the limitations of claims 10,28, and 48. However Hassell in view of Dinh fails to disclose that the first IP address is assigned by an access provider.

Mack discloses a communication system between a first and second device in which an access provider dynamically assigns an IP address to a callee from a plurality of predefined unassigned IP addresses on a per-session basis.

It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Mack with those of Hassell in view of Dinh because having an IP address be dynamically assigned allows for the number of IP addresses to be minimized which means that IP addresses that aren't being used aren't wasted on inactive computers.

Claims 15,33, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hassell in view of Dinh in further view of Sheresh, (Proxy Server 2.0. April, 1999. pages 1-5).

As per claims 15,33, and 59, the applicant further limits claims 10,28, and 57 respectively, which are met by Hassell in view of Dinh (see above), with the following limitation which is met by Sheresh:

further including the step of associating said first IP address by proxy with one of a plurality of predefined IP addresses (pages 1-5);

Hassell in view of Dinh satisfies all the limitations of claims 10, 28, and 57. However, Hassell in view of Dinh fails to disclose the use of a proxy to associate a first IP address with one of a plurality of predefined IP addresses.

Sheresh discloses three benefits to using a proxy server, including the benefit of IP address aggregation and management. Adding a proxying method would easy. A proxying method could be easily incorporated into the communications access device of Hassell.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Sheresh with those of Hassell in view of Dinh because using a proxy increases the efficiency of the system.

Response to Arguments

Applicant's arguments, see Remarks, filed 3/3/05, with respect to claims objections 4,6,22,24, and 53 have been fully considered and are persuasive. The objections of claims 4,6,22,24, and 53 has been withdrawn.

Applicant's arguments with respect to claim 1 not teaching any sort of user related use of a device have been fully considered but they are not persuasive. See the rejection of claim 1 for more information.

Applicant's arguments with respect to claims rejections 10-11,13,28-29,31, and 49 in that there is insufficient motivation to combine Van Horne into the system have been fully considered and are persuasive. Van Horne has not been used to reject any of the claims. However, new rejections from other sources have been made with regards to the claims.

Applicant's arguments with respect to claims 12,30, and 58 and the rejection through Hasenstein have been fully considered but they are not persuasive. The applicant argues that there is insufficient motivation to combine Hasenstein into the system created by Hassell (etc). Hasenstein discloses the benefits of using network address translation, a common and well known method used in the art. Though Hasenstein does not disclose the system of Hassell (etc), it would have been obvious to combine Hasestein's ideas with those of the system of Hassell (etc) for the benefits given in the paper and cited in the rejection of the claims.

Applicant's arguments with respect to claims 15,33, and 59 and the rejection through Sheresh have been fully considered but they are not persuasive. The applicant argues that there is insufficient motivation to combine Sheresh into the system created by Hassell (etc). Sheresh discloses the benefits of using proxy, a common and well known method used in the art. Though Sheresh does not disclose the system of Hassell (etc), it would have been obvious to combine Sheresh's ideas with those of the system of Hassell (etc) for the benefits given in the paper and cited in the rejection of the claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Caldwell

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER